

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/06/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
K. Johnson
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE
JENNIFER L WILLMOTT

D & C MATERIALS-CSC
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 1

Prior to commencement of today's proceeding, State's exhibits 1 through 407 are marked for identification.

Board of Supervisor's Auditorium:

State's Attorney:	Thomas McDermott
Defendant's Attorney:	Robyn Varcoe and Jennifer Willmott
Defendant:	Not Present (Presence waived)
Court Reporter:	Lydia Estrada-Gray

9:23 a.m. This is the time set for trial to jury. The jury panel is present.

The jury panel is sworn.

The Court introduces counsel to the jury panel.

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The Court reads a brief summary of the Trial schedule, which has also been provided to the prospective jurors, the Jury Compensation Fund, and instructions regarding the Juror Prescreen Explanation Form.

The jury panel is given the Juror Prescreen Explanation Form to complete.

LET THE RECORD REFLECT that Juror #2 is totally blind and was a classmate of the Court during high school and college.

Juror #2 is excused and released back to the Jury Commissioner.

The questionnaires are collected.

9:41 a.m. Court stands at recess while the Court reviews the Jury Prescreen Explanation Forms.

10:22 a.m. Juror #61 is interviewed individually and separately on the record by the Court in the presence of counsel for the State and counsel for the Defense.

Court reporter, Lydia Estrada-Gray, is present.

10:25 a.m. Court reconvenes.

State's Attorney:	Thomas McDermott and Aaron Harder
Defendant's Attorney:	Robyn Varcoe and Jennifer Willmott
Defendant:	Not Present (Presence waived)
Court Reporter:	Lydia Estrada-Gray

The Court having reviewed the Jury Prescreen Explanation Form, the following jurors are excused and released back to the Jury Commissioner: 2, 3, 5, 6, 7, 9, 10, 12, 13, 14, 15, 18, 19, 20, 24, 27, 28, 30, 32, 33, 39, 40, 41, 42, 43, 44, 45, 46, 48, 50, 51, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 70, 71, 72, 73, 74, 75, 76, 79, 80, 83, 87, 88 90, 94, 95, 101, 103, 104, 105, 108, 113, 117, 118, 119, 121, 122, 123, 125, 126, 127, 129, 133, 134, 136, 137, 138, 140, 143, 144, 148, 151, 152, 154, 156, 157, 160, 161, 162, 164, 165, 166, 167, 170, 172, 173, 176, 178, 180, 181, 182, 183, 185, 190, 195, 196, 197, 198, and 200.

Prospective Jurors #1 through 124, with the exception of the previously excluded jurors set forth above (hereinafter referred to as Jury Panel Group 1), will be directed to Courtroom 1201 for voir dire examination. Prospective Jurors #125 through 200, with the exception of the previously excluded jurors set forth above, will complete an information form and return same to

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the Court's staff, and will be contacted by the Court's staff and advised if they will be required to appear for voir dire examination on June 7, 2011.

10:37 a.m. The court stands at recess.

Courtroom 1201

11:00 a.m. Court reconvenes with the Defendant and respective counsel present. Jury Panel Group 1 is not present.

Court Reporter, Lydia Estrada-Gray, is present.

Case agent Detective Jeffery Schuh is present and seated behind State's counsel's table.

Both sides announce ready.

11:03 a.m. Jury Panel Group 1 is present and seated in the courtroom

Voir dire examination of prospective jurors begins.

Juror #107 is interviewed individually and separately by the Court and counsel.

Juror #107 is excused and directed to return to the Jury Commissioner.

Voir dire examination continues.

Counsel approach the bench and discussion is held on the record and out of the hearing of the jury.

Voir dire examination continues.

Counsel approach the bench and discussion is held on the record and out of the hearing of the jury.

Voir dire examination continues.

Counsel approach the bench and discussion is held regarding possible strikes for cause on the record and out of the hearing of the jury.

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Jurors #49, 89, 22, 36, 81, 85, and 109 are excused and directed to return to the Jury Commissioner.

11:51 a.m. Jury Panel Group 1 is admonished and is excused from the courtroom. Court remains in session.

Discussion is held regarding procedural issues.

11:53 a.m. The court stands at recess.

1:34 p.m. Court reconvenes with the Defendant and respective counsel present. Jury Panel Group 1 is not present.

Court Reporter, Lydia Estrada-Gray, is present.

Case agent Detective Jeffrey Schuh is present and seated behind State's counsel's table.

Discussion is held regarding procedural issues.

1:36 p.m. Jury Panel Group 1 is present.

Voir dire examination continues.

Counsel approach the bench and discussion is held regarding possible strikes for cause on the record and out of the hearing of the jury.

Jurors #34, 35, 1, 69, 106 and 116 are excused.

Voir dire examination continues.

Juror #17 is interviewed individually and separately by the Court and counsel.

Voir dire examination continues.

Jurors #78 and 99 are interviewed individually and separately by the Court and counsel.

Voir dire examination continues.

2:48 p.m. Jury Panel Group 1 is reminded of previous admonitions and is excused from the courtroom. Court remains in session.

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Discussion is held regarding procedural issues with respect to jury selection and scheduling.

Following the Court's discussion with the parties,

The Court will contact the next 20 prospective jurors, #128 through 174 (hereinafter referred to as Jury Panel Group 2).

2:57 p.m. The court stands at recess.

3:15 p.m. Court reconvenes with the Defendant and respective counsel. Jury Panel Group 1 is not present.

Court Reporter, Lydia Estrada-Gray, is present.

Case agent Detective Jeffrey Schuh is present and seated behind State's counsel's table.

Both sides announce ready.

3:16 p.m. Jury Panel Group 1 is present.

Juror #99 is excused.

Voir dire examination continues.

Juror # 21 is interviewed individually and separately by the Court and counsel.

Voir dire examination continues.

Counsel approach the bench and discussion is held regarding possible strikes for cause and/or hardship on the record and out of the hearing of the jury.

4:28 p.m. Jury Panel Group 1 is admonished and excused from the courtroom until **June 7, 2011, at 2:00 p.m.** Court remains in session.

Discussion is held regarding procedural issues and Preliminary Jury Instructions.

IT IS ORDERED setting Oral Argument on Defendant's Motion in Limine re: Expert Witnesses on **June 7, 2011, at 10:00 a.m.**

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4:36 p.m. The Court stands at recess until **June 7, 2011 at 10:00 a.m.**

LATER:

On the Court's own motion,

IT IS ORDERED sealing the Juror Prescreen Explanation Forms, filed on June 6, 2011, not to be opened without further order of the Court.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.